

Rules of
Department of Natural Resources
Division 70—Soil and Water Districts Commission
Chapter 2—Referendums

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 70—Soil and Water Districts
Commission
Chapter 2—Referendums**

10 CSR 70-2.010 Conduct of Referendums

PURPOSE: This rule sets forth the basic procedures for the conduct of a referendum on the establishment or disestablishment of soil and water conservation districts.

(1) The local committee and election judges shall—

(A) Publish successive notices of the referendum and selection of supervisors in one (1) or more newspapers in the county where the referendum is being held each of the two (2) weeks immediately preceding the referendum;

(B) Provide sealed ballot boxes and open polls promptly at the time advertised;

(C) Furnish official ballots to each polling place; and

(D) Close the polls promptly at the closing hour designated but allow those who have entered the polling place before this time to complete their ballots.

(2) Three (3) official election judges are required for each polling place. They must be residents and landowners within the proposed district. If any elected judge is not present at the polls on the date and time of the referendum, those judges present may select any citizen of the proposed district to serve in his/her place and give him/her the necessary instructions. All instructions to judges must make clear that any person designated to conduct a referendum or assist in a referendum and who thereby gains knowledge as to how any land representative voted and reveals knowledge to any other person shall be guilty of a misdemeanor.

(3) Only one (1) vote is allowed per farm either by the owner or his/her legal representative. A tract of land must be operated as an independent farm enterprise to entitle its land representative to a single vote. Two (2) or more tracts of land that are operated by one (1) management as an independent farm enterprise will be entitled to one (1) vote. The size of each farm must be at least three (3) acres or more.

(4) Each farm owner may personally cast as many votes in the soil district referendum and election of supervisors as s/he owns independently operated farms. If it is impossible for the landowner to personally cast his/her eli-

gible vote(s) because of absentee landownership, sickness or for any other reason over which s/he has no control, the soil districts law provides that s/he may give a power of attorney to a taxpayer residing within the county to represent him/her in this referendum and election of supervisors. It is the policy of the commission to require that this taxpayer not be a legal land representative for more than one (1) landowner, unless legal representation has been established previously by reason of professional or paid farm managership.

(5) Immediately after closing the polls, the judges shall open the ballot boxes and carefully count the ballots cast. They shall tally on the tally sheet provided for the referendum, the number of "Yes" votes and the number of "No" votes and on the tally sheet provided for the election of supervisors write plainly the names of the nominees in the proper spaces and tally the votes each receives on the lines just below the name. The nominee who receives the largest number of votes will be declared elected a supervisor provided the State Soil and Water Districts Commission finds that the vote constituted a substantial expression of opinion.

(6) All blanks on "List of Voters" and all "Referendum" and "Election" tally sheets must be correctly filled in.

(7) After the ballots have been counted, they shall be sealed in a package by the judges at the polls and shall not be inspected except in the case of a contested election and then only on order of the proper court. Arrangements should be made to return ballot boxes, "Listing" sheets, "Referendum" and "Election" tally sheets and all supplies to the clerk of the county court within twenty-four (24) hours after polls are closed, where they shall be safely preserved for twelve (12) months. In case arrangements cannot be made with the county clerk, all these materials shall be sent to the chairman of the State Soil and Water Districts Commission. The chairman of the local committee and the clerk of the county court shall certify the total referendum vote by areas and polling places and the total election votes by areas for each nominee and report their results to the director of the Soil and Water Districts Commission.

*AUTHORITY: section 278.080, RSMo 1986. * This version of rule filed Dec. 7, 1955, effective Dec. 17, 1955.*

**Original authority: 278.080, RSMo 1943*

10 CSR 70-2.020 Conduct of Supervisor Elections

PURPOSE: To fulfill the authority and duty assigned in section 278.080.5(2), RSMo, this rule sets forth the basic procedures for the election of supervisors to the governing body of a soil and water conservation district.

(1) Definitions

(A) SWCD—a Soil and Water Conservation District established in accordance with the provisions of sections 278.060 and 278.155, RSMo.

(B) Landowner—any person, firm or corporation who holds title to any lands lying within a district organized under Chapter 278, RSMo.

(C) Land Representative—the owner, or representative authorized by power of attorney, of any farm lying within the SWCD; provided, however, that any land representative must be a taxpayer of the county within which the SWCD is located.

(D) Farm—land which has been assigned an ASCS (U.S.D.A., Agricultural Stabilization and Conservation Service) farm number or land which has been assessed as agricultural land within land grades I through VII by the county assessor.

(E) Commission—the Soil and Water Districts Commission of the state of Missouri, the agency created by state law for administration of Soil and Water Conservation Districts.

(2) The SWCD Board of Supervisors is responsible for conducting the election under the rules and procedures developed by the commission. The SWCD Board shall conduct an election by the date or within four (4) months after the date a term of office expires.

(3) The SWCD shall be partitioned by the commission into four (4) territories for the purpose of identifying nominating committees and subsequently, candidates for the office of SWCD supervisor.

(4) The SWCD Board shall identify one (1) nominating committee for each territory where a term of office is expiring. A committee shall consist of three (3) land representatives residing in the same territory where the committee has responsibility. No elected supervisor may serve on a nominating committee.

(5) A nominating committee has the duty to nominate not less than two (2) qualified candidates. The committee shall submit the names of candidates who have agreed to

serve, if elected, to the SWCD Board. These names shall be provided not less than two (2) months prior to the proposed election date.

(6) To qualify for office, a candidate shall—

(A) Be a land representative as defined in (1)(C);

(B) Be a resident taxpaying citizen within that SWCD for two (2) years next preceding the election date;

(C) Be a cooperater of the SWCD; and

(D) Reside in or own a farm lying in the same territory where the nominating committee has responsibility.

(7) Any land representative not nominated by the nominating committee, but residing in a territory where an office term is expiring, may become a candidate for office and may have their name placed on the ballot if they meet the preceding qualifications and complete the following requirements:

(A) Secure petition signatures of ten (10) land representatives in the territory where an office term is expiring stating desire for placing this candidate's name on the ballot; and

(B) Submit the petition to the SWCD Board not less than ten (10) work days before the date of the election.

(8) Eligibility for Voting.

(A) Only a land representative is eligible to cast a vote in SWCD supervisor elections. If challenged, eligibility to vote must be demonstrated by the land representative.

(B) Each farm as defined in (1)(D) shall be entitled to representation in SWCD supervisor elections and for the purposes of this rule a land representative shall be deemed as owning one (1) farm and having one (1) vote regardless of the number of farms claimed by such person.

(C) In the event of a farm as defined in (1)(D) being owned by more than one (1) person the following voting limitations shall apply:

1. A farm owned by a firm or corporation may be represented by one (1) vote cast by one (1) land representative so authorized by the firm or corporation; and

2. A farm owned by a partnership, or jointly by a husband and wife, may be represented by two (2) votes cast by two (2) land representatives.

(D) An eligible land representative of an SWCD, as defined in (1)(C), may vote in any SWCD supervisor election held within that particular SWCD.

(E) If it is impossible for the farm owner to personally participate in voting, a Power of Attorney may be given to a taxpaying citizen of the county who may represent the owner

and cast the vote. A person so authorized shall not be the legal land representative for more than one (1) farm owner. The Power of Attorney authorization must be given to the election judges.

(9) SWCD Board Responsibility

(A) Publish two (2) legal notices of election in a newspaper of general circulation in the SWCD. One (1) notice shall appear in the latest issue distributed before the election date, the other notice shall appear one (1) week prior to the final one. The notice may include a sample ballot.

(B) Select and instruct three (3) residents of the SWCD to serve as election judges. Three (3) judges are required for each polling location.

(C) Provide a locked or sealed ballot box for each polling location. Provide ballots, tally sheets, list of voters sheets and a storage envelope to the judges.

(D) Store the sealed envelope containing voted ballots for one (1) year from the election date in a secure location.

(E) Require the poll to be open in accordance with one (1) of the following:

1. If the election is held in conjunction with an annual meeting, provisions must be made to have the balloting available at a central location not later than twelve (12:00) noon on the day of the annual meeting. The balloting shall be moved to the meeting place in order to give those attending the opportunity of casting a ballot. The time for closing the polls of each location shall be specified in the legal notices; or

2. If no annual meeting is to be held during the period specified for holding the election, provisions should be made for conducting the election at one (1) or more locations for a period of not less than six (6) hours.

(10) Election Judge Responsibility

(A) Open and close the polls promptly at the time advertised allowing those who have entered the polls before closing time to complete their ballots.

(B) Collect and attach any Power of Attorney authorization to the List of Voters form and make the proper notation on the form.

(C) After the polls are closed, count the ballots, record on the tally sheet the number of votes each candidate received and certify the count.

(D) Place the counted ballots in an envelope and seal them. After sealing, ballots shall not be inspected except in case of a contested election and then only on order of the proper court.

(E) Hand over the sealed ballots to the District Board of Supervisors for proper storage.

(11) The election shall be certified by a majority of the board responsible for conducting the election. The SWCD Board of Supervisors shall complete and sign two (2) copies of the "Report and Certification of Supervisor Election" form. One (1) copy shall be mailed to the Soil and Water Conservation Program and one (1) copy shall be kept permanently in the SWCD files, along with the tally sheet signed by the judges. After the election, the newly composed board shall select new officers and mail a copy of the reorganization of officers, *with their complete addresses*, to the Soil and Water Conservation Program.

AUTHORITY: section 278.080.5(2), RSMo 1986. Original rule filed May 28, 1987, effective Aug. 27, 1987.*

**Original authority: 278.080, RSMo 1943.*